**THE GAZETTE OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**Part II of June 23, 2023**

**SUPPLEMENT**

(*Issued on 27.06.2023*)



**CONTEMPT OF A COURT, TRIBUNAL OR INSTITUTION**

**A**

**BILL**

**to provide for the uniform application of the law relating to the contempt of a court, tribunal or institution; to provide for the procedure in punishing the contempt of a court, tribunal or institution; and to provide for matters**

**connected therewith or incidental thereto**

*Ordered to be published by the Minister of Justice, Prison Affairs and Constitutional Reforms*

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| *Contempt of a Court,Tribunal or Institution* | 1 |

L.D.- O. 55/2021   
AN ACTTOPROVIDEFORTHEUNIFORMAPPLICATIONOFTHELAWRELATING

TOTHECONTEMPTOFACOURT, TRIBUNALORINSTITUTION; TOPROVIDE

FORTHEPROCEDUREINPUNISHINGTHECONTEMPTOFACOURT,

TRIBUNALORINSTITUTION; ANDTOPROVIDEFORMATTERSCONNECTED

THEREWITHORINCIDENTALTHERETO.

BE it enacted by the Parliament of the Democratic Socialist   
Republic of Sri Lanka as follows: -  
 **1.** This Act may be cited as the Contempt of a Court, Short title

Tribunal or Institution Act, No. of 2023.

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| 5 | **2.** The objects of this Act shall be to- | Objectsof |

the Act

(*a*) uphold the dignity and authority of a court, tribunal and institution;   
 (*b*) protect the due administration of justice; (*c*) ensure adherence to judicial directives;   
10 (*d*) preserve and maintain the effectiveness and impartiality of a court, tribunal and institution; (*e*) safeguard public order, public health and morals; (*f*) strike a balance between the right of expression, fair comment and compliance with judicial 15 directives;   
 (*g*) set out with precision the ambit of contempt of a court, tribunal and institution; and   
 (*h*) ensure the observance of, and respect for, the due process of law.

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| 2 | *Contempt of a Court,Tribunal or Institution* | Certain acts  deemed to be contempt of a court, |
| **3.** (1) Save as provided for in any other written law and subject to the provisions of the Constitution, any person who commits an act or omission with intent to- | |

tribunal or

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| 5 | (*a*) bring the authority of a court, tribunal and institution | institution |
| and administration of justice intodisrespect or |

disregard; or

(*b*) interfere with, or cause prejudice to the judicial process in relation to any ongoing litigation,

commits contempt of a court, tribunal or institution, as the

10 case may be.

(2) Save as provided for in any other written law and subject to the provisions of the Constitution, any person who does any of the following acts commits contempt of a court, tribunal or institution, as the case may be: -

15 (*a*) willful disobedience to any judgment, decree, direction, order, writor other process of a court, tribunal or institution;

(*b*) willful breach of an undertaking given to a court, tribunal or institution;

20 (*c*) expressing, pronouncing or publishing any matter that is not substantially true which, or doing any other act which-

(i) scandalizes or lowers the judicial authority   
 or dignity of a court, tribunal or institution;

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| 25 | (ii) | prejudices, or interferes with, the due course |

of any judicial proceeding; or

(iii) interferes with, or obstructs the administration   
 of justice;

*Contempt of a Court,Tribunal or Institution*  3

(*d*) (i) use of any electronic device or other instrument for audio or visual recording or both in a court, tribunal or institution, or bringing into a court, tribunal or institution any such device or 5 instrument for the purpose of audio or visual recording or both, without the leave of the court, tribunal or institution already obtained;

(ii) publication or transmission of an audio or a visual recording or both of a proceeding or part of a 10 proceeding of a court, tribunal or institutionmade by means of any electronic device or other instrument, or any suchrecording derived directly or indirectly from such device or instrument without the leave of the court, tribunal or

15 institutionalready obtained; or

(iii) use of any electronic device or other instrument,   
or publication or transmission of an audio or a   
visual recording or both of a proceeding of a   
court, tribunal or institution, in contravention of

20 any leave granted under sub-paragraph (i) or sub- paragraph (ii);or

(*e*) scandalizing a court, tribunal or institution, or a   
 judge or judicial officer with intent to-

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| 25 | (i) | interfere with the due administration of |
| (ii) | justice; |
| excite dissatisfaction in the minds of the |

public in regard to a court, tribunal or   
institution; or

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| 30 | (iii) | cast public suspicion on the administration |
| of justice. |

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| 5 | 4 | *Contempt of a Court,Tribunal or Institution* | Defences |
| **4.** (1) Any publication or expression of true facts made in | |
| good faith of a proceeding, judgment or order of a court, | | against |
| tribunal or institution on a matter of public interest shall not | | contempt of |
| a court, |
| be deemed to be contempt of such court, tribunal or | |
| tribunal or |
| institution, where the risk of causing any impediment or | |
| institution |
| prejudice to such proceeding, judgement or order is merely | |

incidental.

**(**2) Any publication or expression-

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| 10 | (*a*) | of true and accurate facts of any case or |
| proceedings before a court, tribunal or |

institution made without malice or intention to   
impair the administration of justice; or

(*b*) of fair comments on merits of any action or   
 application which has been heard and decided,

15 shall not be deemed to be contempt of a court, tribunal or institution where every attempt has been made to avoid any contempt and such publication or expression has been done *bona fide.*

(3) The provisions of subsections (1) and (2) shall not be 20 construed as affecting or limiting any other valid defence for contempt of a court, tribunal or institution, contained in any other written law.

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| 25 | **5.** (1) The Supreme Court and the Court of Appeal shall | | Power of the |
| have the power to punish for contempt of itself, whether | | Supreme |
| committed in its presence or hearing or elsewhere. | | Court and the |
| Court of |
| 30 | (2) Where the Supreme Court or the Court of Appeal, as | | Appeal to |
| punish |
| the case may be, in the exercise of its jurisdiction as referred | | contempt of |
| to in subsection (1), takes cognizance- | | a court, |
| tribunal or |
| (*a*) | of contempt of court committed in its presence or | institution |
| hearing, the Supreme Court or the Court of Appeal | |
| shall hear and determine such matter in accordance | |

with the procedure set out in section 7; and

*Contempt of a Court,Tribunal or Institution*  5

(*b*) of contempt of court committed otherwise than in its presence or hearing, the Supreme Court or the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in 5 section 8.

(3) The Court of Appeal shall have the power to punish for contempt of a Court of First Instance or tribunal or institution,whether committed in its presence or hearingor elsewhere:

10 Provided however, the provisions of this section shall not prejudice or affect the rights ofa Courtof First Instance to punish for contempt of itself.

(4) Where the Court of Appeal, in the exercise of its jurisdiction as referred to in subsection (3), takes cognizance

15 of contempt of a Court of First Instance, or tribunalor institution referred to in that subsection, the Court of Appeal shall hear and determine such matter in accordance with the procedure set out in section 9.

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| 20 | **6.** (1)Notwithstanding the provisions of any other written | Power ofthe |
| Courts of |
| law, the Courts of First Instance shall have the power to |
| First Instance |
| punish for contempt of court committed in its presence or |
| to punish |
| hearing or in the course of proceedings in such Courts of | contempt of |
| court |
| First Instance, or any act which is specified in this Act or in |

any other writtenlaw for the time being in force as being 25 punishable as contempt of court, subject to the provisions of this Act.

(2) Where any Court of First Instance takes cognizance of contempt of court referred to in subsection (1), such Court of First Instance shall hear and determine such matter in 30 accordance with the procedure set out in section 10.

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| 6 | *Contempt of a Court,Tribunal or Institution* | Procedure  where  contempt of court is in  the face of |
| **7**. (1)Where it is alleged, or appears to the Supreme Court or the Court of Appeal, as the case may be, that a person has committed contempt of court in its presence or hearing, the Supreme Court or the Court of Appeal may- | |

the Supreme

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| 5 | (*a*) | cause such person to be detained in custody; | Court or the |
| Court of |

Appeal (*b*) at any time before the rising ofthe Supreme Court   
 or the Court of Appeal, on the day on which the   
 contempt of court is alleged to have been committed   
 or as early as possible thereafter, cause a rule to be   
10 issued on him, giving particulars in writing of the   
 contempt of court with which he is charged; and

(*c*) fix a date for the hearing of the charge.

(2) On the date fixed for the hearing of the charge, the person charged with contempt of court shall be afforded an 15 opportunity to make his defence to the charge.

(3) The Supreme Court or the Court of Appeal, as the case may be, shall, after hearing the person charged with contempt of court and taking such evidence as may be necessary or as may be offered by such person, proceed either forthwith or 20 after such adjournment as the Supreme Court or the Court of Appealmay think fit, to determine the charge and to make order for the punishment or discharge the person charged.

(4)Notwithstanding anything contained in the preceding provisions of this section, where-

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| 25 | **(***a*) | a person charged with contempt of court under |

subsection (1) applies, whether orally or in writing, to have the charge against him tried by some Judge or Judges other than the Judge or Judges in whose presence or hearing the contempt of court is alleged 30 to have been committed; and

*Contempt of a Court,Tribunal or Institution*  7

(*b*) the Court is of opinion that it is practicable to do so   
 and that in the interests of proper administrationof   
 justice the application should be allowed,

5 it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as the Chief Justice may think fit to issue with respect to the trial of the charge.

(5)Notwithstanding anything contained in any other 10 written law, at the trial of a person charged with contempt of courtunder subsection (1) which is held, in pursuance of a direction issued under subsection (4), by a Judge or Judges other than the Judge or Judges in whose presence or hearing the contempt of court is alleged to have been committed, 15   
 the statement of facts placed before the Chief Justice under subsection (4) by the Judge or Judges in whose presence or hearing the contempt of court is alleged to have been committed shall be received in evidence, but no such Judge or Judgesshall be summoned or examined as a witness.

20 (6) The provisions of subsections (2) and (3) shall, *mutatis*  *mutandis* but subject to the provisions of subsection (5), apply to the hearing and determination of the charge by the Judge or Judges other than the Judge or Judges in whose presence or hearing the contempt of courtis alleged to have 25 been committed, in pursuance of a direction issued under subsection (4).

**(**7) Pending the determination of a charge under this section, theSupreme court or the Court of Appeal, as the case may be, may-

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| 30 | (*a*) | direct that the person charged with contempt of |

court under this section be detained in such custody   
as such court may specify; or

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| 8 | (*b*) | *Contempt of a Court,Tribunal or Institution* |
| release him on bail subject to such conditions as |

**s**uch Court may deem fit to impose**.**

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| 5 | **8**. (1) The Supreme Court or the Court of Appeal, as the | Procedure |
| case may be, may take cognizance of contempt of court | where |
| contempt of |
| committed against it, or in disrespect of its authority, other |
| court is not |
| than contempt of court committed in its presence or hearing, | in the face of |
| the Supreme |
| on- |
| Court or the |

Court of

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| 10 | (*a*) | its own motion; | Appeal |
| (*b*) | a motion filed by the Attorney-General; or |
| (*c*) | a motion filed by any other person. |

(2)Every motionfiled under subsection (1) shall set out the particulars of the contempt of court alleged to have been committed by the person alleged to have committed the contempt of court.

15 (3)The Supreme Court or the Court of Appeal, as the case may be, shall, after pursuing the motion filed under subsection (1) and satisfying itself that a *prima facie* case of contempt of courthas been established against the person alleged to have committed such contempt-

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| 20 | (*a*) | cause a rule to be issued on such person, giving |

particulars in writing of the contempt of court with   
which he ischarged;

(*b*) direct that such rule, together with a copy of the   
 motion filed under subsection (1), be served

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| 25 | (*c*) | personally on such person; and |
| fix a date for the hearing of the charge. |

*Contempt of a Court,Tribunal or Institution*  9

(4) On the date fixed for the hearing of the charge, the person charged with contempt of court shall be afforded an opportunity to make his defence to the charge and shall be entitled to file an affidavit or to adduce evidence in his 5 defence.

(5) The Supreme Court or the Court of Appeal, as the case may be, shall hear and determine the charge after considering the affidavit filed by the person charged with contempt of court or after hearing the evidence adduced by such person, 10 as the case may be.

(6) Pending the determination of a charge under this section, the Supreme Court or the Court of Appeal, as the case may be, may direct that-

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| 15 | (*a*) | the person charged with contempt of court under |
| this section be detained in such custody as it may |

specify; or

(*b*) such person be released on bail subject to such   
 conditions as it may deem fit to impose.

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| 20 | **9.** (1) The Court of Appeal may take cognizance of | Procedure |
| contempt committed against, or in disrespect of the authority | for the |
| exercise of |
| of, a Court of First Instance or tribunal or an institution on- |
| jurisdiction |

of the Court

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| (*a*) | a reference made to it by such Court of First Instance | of Appeal in |
| respect of |
| tribunal or institution; |
| contempt |

committed

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| (*b*) | a motion filed by the Attorney-General; or | against a |
| Court of First |

Instance,

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| 25 | (*c*) | a motion filed by any other person. | tribunal or |
| institution |

(2) Every reference made or motion filed under subsection (1) shall set out the particulars of the contempt of the court,

10 *Contempt of a Court,Tribunal or Institution*

tribunal or institution as the case may be**,** alleged to have been committed by the person alleged to have committed such contempt**.**

(3) The Court of Appeal shall, after perusing the reference

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| 5 | made or the motion filed under subsection (1), as the case may be, and satisfying itself that a *prima facie* case of |

contemptof a court, tribunal or institution, as the case may be**,** has been established against the person alleged to have committed such contempt**-**

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| 10 | (*a*) | cause a rule to be issued on such person, giving |

particulars in writing of the contempt of court,   
tribunal or institution, with which he is charged;

(*b*) direct that such rule**,** together with a copy of the   
 reference or motion made or filed under subsection

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| 15 | (*c*) | (1), be served personally on such person; and |
| fix a date for the hearing of the charge. |

(4) On the date fixed for the hearing of the charge, the person charged with contempt of a court, tribunal or institutionshall be afforded an opportunity to make his 20 defence to the charge and shall be entitled to file an affidavit or to adduce evidence in his defence.

(5) The Court of Appeal shall hear and determine the charge after considering the affidavit filed by the person charged with suchcontempt or after hearing the evidence 25 adduced by such person, as the case may be.

(6) Pending the determination of a charge under this section, the Court of Appeal may direct that-

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| 30 | (*a*) | the person charged with contempt of a court, |
| tribunal or institutionunder this section be |
| detained in such custody as it may specify; or |

*Contempt of a Court,Tribunal or Institution*  11

(*b*) such person be released on bail subject to such   
 conditions as it may deem fit to impose.

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| 5 | **10.** (1) Where aCourt of First Instance takes cognizance | Procedure |
| of contempt of court committed against, or in disrespect of | for the |
| exercise of |
| the authority of,such Court of First Instance, such Court of |
| jurisdiction |
| First Instanceshall, subject to the provisions of subsections |
| conferred on |
| (2) and (3), hear and determine such matter in accordance | the Courts of |
| First Instance |
| with the procedure set out in Chapter LXV of the Civil |
| to try |
| Procedure Code. |
| contempt of |

court

10 (2) Where the Judge ofa Court of First Instancereferred to in subsection (1) acts under section 795 of the Civil Procedure Code, **s**uch Judge shall inquire from the accused whether he wishes to be tried by a judge other than the Judge in whose presence or hearing the contempt ofcourt is 15 alleged to have been committed**.**

(3) If the accused indicates to the Judge of such Court of First Instance, in response to the inquiry under subsection (2), orally or in writing, that he wishes to be tried by a Judge other than the Judge in whose presence or hearing the 20 contempt of courtis alleged to have been committed, such Judge shall cause the matter to be placed, together with the minutes of the facts recorded by such Judge, before the Chief Justice for such directions as the Chief Justice may think fit to issue with regard to the hearing of the charge.

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| 25 | **11.** (1) Where a person is found guilty of the contempt of | Punishment |
| court referred to in subsection (1) of section 5, such person | for contempt |
| of a court, |
| shall be liable to a fine not exceeding rupees five hundred |
| tribunal or |
| thousand or to simple imprisonment for a period not | institution |

exceeding one year or to both such fine and imprisonment, 30 and on a second or subsequent conviction, such person shall be liable to a fine not exceeding rupees one million or to simple imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

12 *Contempt of a Court,Tribunal or Institution*

(2) Where a person is found guilty of the contempt of court referred to in subsection (1) of section 6, such person shall be liable to a fine not exceeding rupees three hundred thousand or to simple imprisonment for a period not 5 exceeding six months or to both such fine and imprisonment, and on a second or subsequent conviction, such person shall be liable to a fine not exceeding rupees five hundred thousand or to simple imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

10 (3) Where a person is found guilty of contempt of a tribunal or institution under this Act, such person shall be liable to a fine not exceeding rupees one hundred thousand or to simple imprisonment for a period not exceeding three months or to both such fine and imprisonment, and on a 15 second or subsequent conviction, such person shall be liable to a fine not exceeding rupees three hundred thousand or to simple imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(4) Notwithstanding the provisions of subsection (1), (2) 20 or (3), a person accused of contempt of a court, tribunal or institution under this Act may be discharged, or the punishment imposed on him may be remitted on an apology being made to the satisfaction of the court, tribunal or institution.

25 Explanation - An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it *bona*  *fide*.

(5) Nothing in this Act shall limit the power of a court to 30 hear and determine contempt of a court, tribunal or institution provided for in any other written law, either under the provisions of this Act or such other law:

*Contempt of a Court,Tribunal or Institution*  13

Provided however, notwithstanding anything to the contrary in such other law, a court shall not impose a sentence in excess of the sentence specified in this section for contempt of a court, tribunal or institution.

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| 5 | **12.** (1) An appeal shall lie as of right from any order or | Appeals |

decision of the Court of Appeal in the exercise of its jurisdiction to punish for contempt of a Court of First Instance**,** tribunal or institution, as the case may be–

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| 10 | (*a*) | where the order or decision is that of a single judge, |
| to a Bench of not less than two judges of the Court |

of Appeal;

(*b*) where the order or decision is that of a Bench of the   
 Court of Appeal, to the Supreme Court.

(2) The Supreme Court or the Court of Appeal may, 15 pending any appeal, order that–

(*a*) the execution of the punishment, or the order or   
 decisionappealed against be suspended;

(*b*) the appellant, if heis in confinement, be released   
 on bail; or

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| 20 | (*c*) | the appeal be heard notwithstanding that the |

appellant has not purged his contempt.

(3) Where any person who is aggrieved by any order or decisionof aCourt of First Instance, against which an appeal may be filed, indicates to such Court of First Instance that he 25 intends to prefer an appeal against such order or decisionto the Court of Appeal, such Court of First Instance shall, until the expiry of the time limit for the filing of the appeal, order–

(*a*) the execution of the punishment, or the order or   
decisionappealed against be suspended; or

14 *Contempt of a Court,Tribunal or Institution*

(*b*) the appellant, if he is in confinement, be released   
 on bail.

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| 5 | **13.** (1) A court shall not initiate any proceedings in | Period of |
| relation to contempt of a court, tribunal or institution, either | limitation for |
| proceedings |
| on its own motion or otherwise, after the expiry of a period |
| for contempt |
| of one year from the date on which the contempt is alleged |
| of a court, |
| to have been committed. | tribunal or |
| institution |

(2) A tribunal or institution shall not refer to the Court of Appeal any matter relating to the contempt of such tribunal 10 or institution, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

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| 15 | **14.** Where contempt of a court, tribunal or institution | Contempt of |
| under this Actis committed by a body of persons, then- | a court, |
| tribunal or |
| (*a*) if that body of persons is a body corporate, every | institution by |
| a body of |
| director, manager or secretary of that body corporate | persons |

at the time of the commission of such contempt;

(*b*) if that body of persons is a firm, every partner of that firm at the time of the commission of such 20 contempt; and

(*c*) if that body of persons is an unincorporated body,   
every individual who is a member of such   
unincorporated body at the time of the commission   
of such contempt,

25 shall be deemed to have committed that contempt:

Provided however, any director, manager or secretary of such body corporate or any partner of such firm or any individual in such unincorporated body shall not be deemed to have committed such contempt if he proves to the

*Contempt of a Court,Tribunal or Institution*  15

satisfaction of the court that such contempt was committed without his knowledge or that he exercised all due diligence to prevent the commission of such contempt.

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| 5 | **15.**  The provisions of this Act shall have effect | This Act to |
| prevail over |
| notwithstanding anything to the contrarycontained in any |
| other law |
| other written law, and accordingly, in the event of any |

inconsistency between the provisions of this Act and such other law, the provisions of this Act shall prevail.

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| 10 | **16.** In this Act, unless the context otherwise requires – | Interpretation |
| “Civil Procedure Code” means, the Civil Procedure Code |

(Chapter 101);

“Court of First Instance” means, the High Court of the Republic of Sri Lanka, the High Court for a Province established by Article 154P of the Constitution, the 15 District Court, the Family Court, the Small Claims Court, the Magistrate’s Court orthe Primary Court;

“institution” means, an institution created and established for the administration of justice and for the adjudication and settlement of industrial and other 20 disputes;

“publish” means, to disseminate, distribute, exhibit, provide or communicate by oral, visual, written, electronic or other means including by way of newspaper, radio, television or through the use of

25 the internet or other online communication system, to the public at large or a member of the public, and includes causing to be published, and “publication” is to be construed accordingly; and

16 *Contempt of a Court,Tribunal or Institution*

“tribunal” means, a tribunal created and established for the administration of justice and for the adjudication and settlement of industrial and other disputes.

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| 5 | **17.** In the event of any inconsistency between the Sinhala | Sinhala text |
| and Tamil texts of this Act, the Sinhala text shall prevail. | to prevail in |
| case of |

inconsistency

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| *Contempt of a Court,Tribunal or Institution* | 17 |

Department of Government Printing